

the following reaction that takes place by the introduction of sulfuric acid to the slurry. This is a feature of applicant's invention wherein the remaining sodium sulfate acts as a binder in the formation of the carbonaceous crystals that characterize the internal crystalline cementitious matrixes. See applicant's specification at page 5, lines 26-27 and at page 1-5.

In contrast to applicant's claimed invention, both Jaques et al. and Iwu wash their tailings. See Iwu, column 1, lines 52-57 and Jaques et al., column 5, lines 19-23. In fact, Jaques et al. and Iwu teach washing of the slurry four times.

Further, Iwu, in column 1, line 25, teaches away from use of sulfuric acid because Iwu teaches to remove chloride from hydrochloric acid and does not get catalyzing sodium sulfate, as provided in applicant's claims.

With respect to Jaques et al., that patent "digests" silica ore without mentioning pH, concentration of any sodium hydroxide, or sodium sulfate formation.

In addition, neither Jaques et al. nor Iwu teaches the step of pulverizing bauxite tailings or reducing bauxite tailings into a generally homogenous powder sufficiently fine to generally pass through a 16 mesh screen, as provided in applicant's claims. Jaques et al. also does not teach to wash the tailings of the bauxite tailings as water is added to the tailings. See also applicant's specification at page 2, lines 26-27; page 3, lines 1-27 and page 4, lines 1-9.

It is anticipated only if each and every element as set forth in the claim is found, either explicitly or inherently described, in a single prior art reference. Verdegaal Bros. v Union Oil Co. of California, 814 F.2d. 628, 631, 2 USPQ 2d. 1051, 1053 (Fed. Cir. 1987) and MPEP § 214. An identical invention must be shown in as complete detail as is contained in the claim.

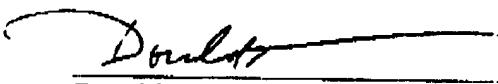
Suzuki Motor Company, 868 F.2d. 1226, 1236, 9 USPQ 2d. 1913, 1920 (Fed. Cir. 1989). See 101 PEP §2131.

Establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1975). All words in a claim must be considered in judging the patentability of that claim must be taught or suggested by the prior art. See In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), and 103.

If an independent claim is non-obvious under 35 USC 103; then any claim depending thereon is also non-obvious. See In re Fine, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988), and 103.

For the reasons stated above, reconsideration of this application and allowance of new claims is respectfully requested.

Respectfully submitted,


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